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Attorneys for Defendants

CITY AND COUNTY OF SAN FRANCISCO,

HEATHER FONG, in her official capacity,

JOHN KESSOR, MICHELLE ALVIS and

PAUL MORGADO

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

KATHLEEN ESPINOSA, individually and as  
personal representative of the Estate of decedent  
ASA SULLIVAN; A.S., by and through his  
Guardian ad Litem, NICOLE GUERRA;

Plaintiffs,

vs.

CITY AND COUNTY OF SAN FRANCISCO,  
a municipal corporation; HEATHER FONG, in  
her capacity as Chief of Police for the CITY  
AND COUNTY OF SAN FRANCISCO; JOHN  
KEESOR, individually, and in his capacity as a  
police officer for the CITY AND COUNTY OF  
SAN FRANCISCO; MICHELLE ALVIS,

Case No. C 06 04686 JSW

**STIPULATION AND ORDER TO  
RELEASE CORONER'S PHOTOGRAPHS  
OF DECEDENT ASA SULLIVAN'S BODY**

1 individually and in her capacity as a police  
 2 officer for the CITY AND COUNTY OF SAN  
 3 FRANCISCO; PAUL MORGADO, individually  
 4 and in his capacity as a police officer for the  
 5 CITY AND COUNTY OF SAN FRANCISCO;  
 6 and, San Francisco police officers DOES 1-25,  
 7 inclusive,

8 Defendants.

### 9 **STIPULATION**

10 Plaintiffs and Defendants hereby jointly request that the Court issue an order authorizing  
 11 release of color copies of all photographs of Decedent ASA SULLIVAN's body taken by the City  
 12 and County of San Francisco's Medical Examiner and agents of the SAN FRANCISCO POLICE  
 13 DEPARTMENT, following the death of Mr. Sullivan. The parties request an Order be issued in  
 14 compliance with California Code of Civil Procedure section 129, which states:

15 "Notwithstanding any other provision of law, no copy, reproduction, or facsimile  
 16 of any kind shall be made of any photograph, negative, or print, including instant  
 17 photographs and video tapes, of the body, or any portion of the body, of a deceased  
 18 person, taken by or for the coroner at the scene of death or in the course of a post  
 19 mortem examination or autopsy made by or caused to be made by the coroner,  
 20 except for use in a criminal action or proceeding in this state which relates to the  
 21 death of that person, or except as a court of this state permits, by order after good  
 22 cause has been shown and after written notification of the request for the court  
 23 order has been served, at least five days before the order is made, upon the district  
 24 attorney of the county in which the post mortem examination or autopsy has been  
 25 made or caused to be made.

26 This section shall not apply to the making of such a copy, reproduction, or  
 27 facsimile for use in the field of forensic pathology, for use in medical, or scientific  
 28 education or research, or for use by any law enforcement agency in this or any  
 other state or the United States.

This section shall apply to any such copy, reproduction, or facsimile, and to any  
 such photograph, negative, or print, heretofore or hereafter made."

The parties agree that the proceedings in the above-entitled action relate to the death of ASA  
 SULLIVAN. The parties respectfully request that the Court issue an Order allowing the release of  
 color copies of all photographs of decedent ASA SULLIVAN's body taken by the San Francisco

Medical Examiner as well as any photographs taken by agents of the San Francisco Police Department.

**SO STIPULATED.**

Dated: May 16, 2007

**The Law Offices of John L. Burris**

/s/ Ben Nisenbaum  
Ben Nisenbaum, Esq.  
Attorney for Plaintiffs

Dated: May 16, 2007

**Dennis J. Herrera, City Attorney**  
**Joanne Hoepper, Chief Trial Attorney**  
**Blake P. Loebs, Deputy City Attorney**

/s/ Blake P. Loebs  
Blake P. Loebs,  
Attorney for Defendants

**~~(PROPOSED)~~ ORDER**

Good cause shown, and the subject of the above-entitled action arising out of the death of decedent ASA SULLIVAN, the Court hereby grants the parties' stipulation and orders that color copies of all photographs taken by the San Francisco Medical Examiner, and/or its agents, and/or agents of the SAN FRANCISCO POLICE DEPARTMENT, of Decedent ASA SULLIVAN's body be released to the attorneys of record in the above-entitled action .

**IT IS SO ORDERED.**

Dated: May 17, 2007

  
UNITED STATES DISTRICT COURT JUDGE